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TO THE  
CONSTITUENT ASSEMBLY  
OF PAKISTAN DEBATES**

**VOLUME IX, 1951**

**(17th March to 16th April, 1951)**

**NINTH SESSION**

**OF THE**

**CONSTITUENT ASSEMBLY OF PAKISTAN**

**1951**



# CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Official Report

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VOLUME IX, 1951

(17th March to 16th April, 1951)

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NINTH SESSION  
OF THE  
CONSTITUENT ASSEMBLY OF PAKISTAN  
**1951**

## CONSTITUENT ASSEMBLY OF PAKISTAN

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### *President*

The Honourable Mr. Tamizuddin Khan

### *Panel of Chairmen*

Mr. Ghulam Bhik Nairang

Maulana Mohammad Akram Khan

The Honourable Mr. Abdul Hamid

Shri Sris Chandra Chattopadhyaya

### *Secretary*

Mr. M. B. Ahmad, M.A. (ALIG.), M. LITT. (CANTAB), P.A.S.

### *Joint Secretary*

Mr. K. Ali Afzal, BARRISTER-AT-LAW

### *Deputy Secretaries*

Mr. H. M. Khan, B.A. (HONS.)

Mr. Hasan A. Shaikh, B.A. (HONS.), LL.B.

### *Assistant Secretary*

Mr. Mohammad Zakir, B.A.

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Independence Act, confers powers on Constituent Assembly to legislate for Federal Legislature as well as other matters. Similarly section 6 of the Indian Independence Act, transfers the powers of legislation of British Parliament to Constituent Assembly. Further the amendment of the Army Act, 1881, can only be done by the Constituent Assembly and the Federal Legislature has no power to amend it. Mr. President was of the same opinion as the Hon'ble Pirzada and ruled that Shri Dharendra Nath Dutta misread Rule 42 of the C. A. P. Rules of Procedure and that it does not debar the consideration of the Bill. The ——— was considered invalid and ruled out of order. 74—79.

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the Bill has already been introduced and that the proper time to raise the point of order will be when the next motion in regard to the Bill is moved. 43.

As the Hon'ble Pirzada Abdus Sattar Abdur Rahman was about to move his motion for the consideration of the Rawalpindi Conspiracy (Special Tribunal) Bill, Shri Dhirendra Nath Dutta raised a point of order that Rule 42 of the C. A. P. Rules of Procedure precludes the introduction of the Bill in C. A. P. as it does not deal with constitution-making while the Special Tribunal to be set up indicated a special procedure of trial which means an amendment of the Civil Procedure Code, 1898, the Evidence Act, 1872, and the Army Act, 1881. As such the Bill should be considered by the Federal Legislature. The Hon'ble Pirzada said that sub-section (e) of section 8 of the Indian Independence Act confers powers on Constituent Assembly to legislate for not only the powers of the Federal Legislature but also other matters. Similarly section 6 of the Indian Independence Act transfers the powers of legislation of British Parliament to Constituent Assembly. Further the amendment of the Army Act, 1881, can only be done by the Constituent Assembly and the Federal Legislature has no power to amend it. Mr. President was of the same opinion as the Hon'ble Pirzada and ruled that Shri Dhirendra Nath Dutta misread Rule 42 of the C. A. P. Rules of Procedure and that it does not debar the consideration of the Bill. The point of order was considered invalid and ruled out of order. 74-79.

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— raised a point of order that the Bill should have been introduced in the Constituent Assembly (Legislature) and not in the Constituent Assembly of Pakistan as it deals with legislative work and has nothing to do with constitution-making. The Hon'ble President ruled that the Bill has already been introduced and that the proper time to raise the point of order will be when the next motion in regard to the Bill is moved. 43.

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Assembly to legislate for not only the powers of the Federal Legislature but also other matters. Similarly section 6 of the Indian Independence Act, transfers the powers of legislation of British Parliament to Constituent Assembly. Further the amendment of the Army Act, 1881 can only be done by the Constituent Assembly and the Federal Legislature has no power to amend it. Mr. President was of the same opinion as the Hon'ble Pirzada and ruled that — misread Rule 42 of the C. A. P. Rules of Procedure and that it does not debar the consideration of the Bill. The point of order was considered invalid and ruled out of order. 74—79.

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**KHWAJA—**

Government of India (Second Amendment) Bill.

Consideration of Bill. 57.

Rawalpindi Conspiracy (Special Tribunal) Bill.

Consideration of Bill. 84, 96, 97.

**SHAHOODUL HUQUE, Mr.—**

Government of India (Second Amendment) Bill.

Motion to pass, as amended.  
65—66.

**SHAISTA SUHRAWARDY IKRAM-**  
**ULLAH, BEGUM—**

Government of India (Amendment) Bill.

Consideration of Bill. 15.

**SHAUKAT HYAT KHAN, SARDAR—**

Constitution (Amendment) Bill.

Consideration of Bill. 4—5.

Government of India (Amendment) Bill.

Consideration of Bill. 12—13,  
16, 17, 28, 30.

Government of India (Second Amendment) Bill.

Consideration of Bill. 56, 57—  
58.

**SUKHDEV, SETH—**

Government of India (Amendment) Bill.

Consideration of Bill. 21, 22.

Government of India (Second Amendment) Bill.

Consideration of Bill. 48, 49,  
61.

## CORRIGENDA

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In the Constituent Assembly of Pakistan Debates, March-April, 1951 Session,  
Volume IX of 1951—

(1) No. 2, dated the 11th April, 1951—

- (i) Page 14, line 15 from bottom *for* "refugee friend Mr. Khuhro" *read* "refugee members of the Sind Assembly. I would like to tell my Honourable friend Mr. Khuhro".
- (ii) Page 22, above last line from bottom *insert* new line "Seth Sukhdev : You have driven them out."
- (iii) Page 23, in line 19 from top *delete* "Seats." which has appeared twice.
- (iv) Page 29, line 21 from bottom *for* "wrong action is responsible man" *read* "wrong action is responsible for the misery of Hindus of Sind ? I am really sorry that a responsible man".
- (v) Page 35, line 3 from bottom *for* "clause 2" *read* "clause 3".

(2) No. 3, dated the 13th April, 1951—

- (i) Page 53, line 10 from top *for* "I am taking" *read* "I am talking".
- (ii) Page 54, line 7 from bottom *for* "his House" *read* "this House".
- (iii) Page 54, line 21 from bottom *for* "public should not because people have.....an end" *read* "public should not be lulled into believing that this measure has brought feudalism to an end".

(3) No. 4, dated the 16th April, 1951—

- (i) Page 74, line 16 from bottom *delete* "This.....  
to raise his objection now".
- (ii) Page 115, before line 17 *add* "and".
- (iii) Page 115, before line 19 *add* "and".